

BS00-086



0410 100 06c \$ #10 030  
2500 10-01-01 PATENT  
200 X30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

SCOTT M. FRANK ET AL

Serial No.: 09/750,154

Filed: December 29, 2000

For: SYSTEM AND METHOD FOR  
DETERMINING THE MARKETABILITY  
OF INTELLECTUAL PROPERTY ASSETS

) Art Unit: 2161

) Examiner: Not Yet Assigned

**RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

Box: Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) dated September 25, 2001 (copy attached), applicants respond as follows and respectfully request that the Notice of Incomplete Reply be withdrawn.

Applicants filed the present application on December 29, 2000. Applicants received a Notice to File Missing Parts of Nonprovisional Application dated February 20, 2001 that (i) stated that the oath or declaration was missing; and (ii) required substitute drawings in compliance with 37 CFR 1.84.

On April 18, 2001, Applicants submitted substitute drawings. Applicants subsequently received a Notice of Incomplete Reply (Nonprovisional) dated June 5, 2001 stating that the oath or declaration was missing.

On August 8, 2001, Applicants submitted a Preliminary Amendment amending claim 1 and adding new claims 2-34.

RECEIVED  
NOV 29 2001  
Group 2100

Serial No.: 09/750,154  
Art Unit: 2161  
Attorney's Docket No.: BS00-086

On August 17, 2001, Applicants submitted a Response to the Notice of Incomplete Reply dated June 5, 2001, which enclosed (i) a copy of the Notice of Incomplete Reply dated June 5, 2001, (ii) a copy of the Notice to File Missing Parts dated February 20, 2001, (iii) a Declaration and Power of Attorney for Patent Application signed by Applicants; (iv) the \$130 fee, and (v) a Petition for a Four Month of Extension of Time with the required fee. A copy of Applicants' August 17, 2001 submission (excluding the Assignment and Recordation Form Cover Sheet) is enclosed together with a copy of the Return Postcard stamped August 17, 2001 showing receipt by the PTO on August 17, 2001 of Applicants' submission.

The Notice of Incomplete Reply (Nonprovisional) dated September 25, 2001, which was sent in response to Applicants' August 8, 2001 submission of a Preliminary Amendment, should be withdrawn because Applicants' completely replied on August 17, 2001 to the Notice to File Missing Parts dated February 20, 2001 and the Notice of Incomplete Reply dated June 5, 2001. While the Notice of Incomplete Reply dated September 25, 2001 states that the oath or declaration is missing, Applicants have explained above that the oath or declaration was received by the PTO on August 17, 2001.

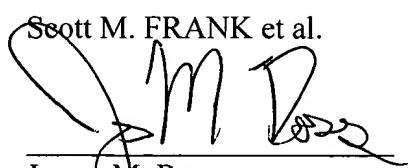
Applicants do not believe any fee is presently required because Applicants completed replied on August 17, 2001. The Commissioner is hereby authorized, however, to charge any additional fees associated with this communication or credit any overpayment to Deposit Account 50-1390.

Serial No.: 09/750,154  
Art Unit: 2161  
Attorney's Docket No.: BS00-086

Applicants respectfully submit that the application was complete on August 17, 2001.

Applicants respectfully request that the Notice of Incomplete Reply dated September 25, 2001 be withdrawn and that the subject application be placed upon the files for examination.

Respectfully submitted,

By:   
Scott M. FRANK et al.  
James M. Ross  
Registration No. 42,115

SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102  
Tel: 703/770-7631

Date: October 19, 2001

AB/JMR/dkp

Document #: 1155303 v.1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/750,154	12/29/2000	Scott M. Frank	BS00-086

RECEIVED  
NOV 29 2001  
Group 2100

SHAW PITTMAN  
2300 N Street, N.W.  
Washington, DC 20037

CONFIRMATION NO. 7629

FORMALITIES LETTER



\*OC000000006788191\*

Date Mailed: 09/25/2001



**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 08/08/2001 to the Notice to File Missing Parts (Notice) mailed 06/05/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED  
NOV 29 2001  
Group 2100



Atty. Dkt. No. BS00-086; 22367.0172  
USSN 09/750,154 of Scott M. FRANK et al.  
Title: "SYSTEM AND METHOD FOR DETERMINING THE  
MARKETABILITY OF INTELLECTUAL PROPERTY"  
Filing Date: December 29, 2001

Decl. of Use	\$8	\$15
TM Renewal	Main. Fee	
X Assignment	Small Entity Stat.	
Issue Fee	Discl. Statement	
Amendment	Check For	
New Appln.	X Declaration	
Pages Spec.	Sht. Drwg.	Claims
Cert. Copy of		
Resp.to Not.of Incomplete Reply of Non-Prov.App.,Copy of Not. to File Miss.Parts;Dec.& P.of Attorney.;Assign.Record.Form-Patents;Petition for		
X	EOT; Chrg DPA \$1,560.00;postcard	
Due:	08/20/01	
Via:	Courier	
	Initial: JMR/bab	

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

SCOTT M. FRANK ET AL

Serial No.: 09/750,154

Filed: December 29, 2000

For: SYSTEM AND METHOD FOR  
DETERMINING THE MARKETABILITY  
OF INTELLECTUAL PROPERTY ASSETS

Art Unit: 2161

Examiner: Not Yet Assigned

RECEIVED  
NOV 29 2001  
Group 2100

**RESPONSE TO NOTICE OF INCOMPLETE REPLY NON PROVISIONAL  
APPLICATION**

Box: Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Reply Non Provisional Application dated June 5, 2001 (copy attached), which references the Notice to File Missing Parts of Non Provisional Application Filed Under 37 C.F.R. 1.53(b) mailed February 20, 2001 (copy attached), applicants are submitting herewith:

Declaration and Power of Attorney for Patent Application signed by Applicants.

Transmittal of Formal Drawings were previously filed on April 18, 2001.

A fee of \$130.00 is believed to be due. The Commissioner is hereby authorized to charge this fee and any additional fees associated with this communication or credit any overpayment to Deposit Account 50-1390.

It is respectfully submitted that the application is now complete and it is respectfully requested that the subject application be placed upon the files for examination.

Serial No.: 09/750,154  
Art Unit: 2161  
Attorney's Docket No.: BS00-086

Respectfully submitted,

Scott M. FRANK

By:

  
James M. Ross  
Registration No. 42,115

Poh C. Chua  
Reg. No. 44,615  
for

SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102  
Tel: 703/770-7631

Date: August 17, 2001

AB/JMR/bab

Document #: 1146355 v.1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/750,154	12/29/2000	Scott M. Frank	BS00-086

**CONFIRMATION NO. 7629**

SHAW PITTMAN  
2300 N Street, N.W.  
Washington, DC 20037

*RECEIVED*

*NOV 29 2001*

*Group 2100*

**FORMALITIES LETTER**



\*OC00000006146617\*

Date Mailed: 06/05/2001

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

*Filing Date Granted*



The U.S. Patent and Trademark Office has received your reply on 04/18/2001 to the Notice to File Missing Parts (Notice) mailed 02/20/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 was not received.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

*lit*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



RECEIVED

Page 1 of 2

NOV 29 2001

Group 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/750,154	12/29/2000	Scott M. Frank	BS00-086

SHAW PITTMAN  
2300 N Street, N.W.  
Washington, DC 20037

**COPY**

CONFIRMATION NO. 7629  
FORMALITIES LETTER



\*OC00000005776509\*

Date Mailed: 02/20/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION****FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
  
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

*Zm*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.

BS00-086

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### SYSTEM AND METHOD FOR DETERMINING THE MARKETABILITY OF INTELLECTUAL PROPERTY ASSETS

RECEIVED

the specification of which

NOV 29 2001

(check one)

Group 2100

is attached hereto.

was filed on December 29, 2000 as United States Application No. or PCT International Application Number 09/750,154

and was amended on August 8, 2001

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

#### Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

<u>60/173,919</u>	<u>December 30, 1999</u>
(Application Serial No.)	(Filing Date)
<u>60/192,862</u>	<u>March 29, 2000</u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u> (patented, pending, abandoned)
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u> (patented, pending, abandoned)
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u> (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

Lawrence J. Gotts - Reg. No. 31,163  
 Michael D. Bednarek - Reg. No. 32,329  
 Aslan Baghdadi - Reg. No. 34,542  
 Elizabeth M. Roesel - Reg. No. 34,878  
 David C. Isaacson - Reg. No. 38,500

all of: SHAW PITTMAN LLP  
 1650 Tysons Boulevard  
 McLean, VA 22102-4859

Michael S. Lee - Reg. No. 41,434  
 Steven P. Arnheim - Reg. No. 43,475  
 Poh C. Chua - Reg. No. 44, 615  
 Michele M. Burris - Reg. No. 44,576  
 Michael A. Oblon - Reg. No. 42,956  
 Lawrence D. Eisen - Reg. No. 41,009  
 James M. Ross, Reg. No. 42,115  
 Michelle S. Marks, Reg. No. 41,971  
 David B. Schmickel, Reg. No. 40,270  
 Robert W. Busby, Jr., Reg. No. 40,930

Send Correspondence to: James M. Ross  
 SHAW PITTMAN LLP  
 1650 Tysons Boulevard  
 McLean, VA 22102-4859

Direct Telephone Calls to: (*name and telephone number*)  
 James M. Ross (703) 770-7631

Full name of sole or first inventor Scott M. Frank	Sole or first inventor's signature <i>Scott M. Frank</i>	Date 8/10/01
Residence 5419 Redfield Cir., Dunwoody, GA 30338		
Citizenship U.S.		
Post Office Address 5419 Redfield Cir., Dunwoody, GA 30338		

Full name of second inventor, if any Carol T. Beckham	Second inventor's signature <i>Carol T. Beckham</i>	Date 8/15/01
Residence 2074 Melissa Ct Marietta, Ga. 30062		
Citizenship U.S.		
Post Office Address 2074 Melissa Ct Marietta Ga 30062		

Full name of third inventor, if any <b>Martin McLendon</b>	
Third inventor's signature <i>M. L. McLendon</i>	Date 8/13/01
Residence 2458 Carolina Way, Tucker GA 30084	
Citizenship U.S.A.	
Post Office Address 2458 Carolina Way, Tucker GA 30084	

Full name of fourth inventor, if any <b>Shannon M. Short</b>	
Fourth inventor's signature <i>Shannon Short</i>	Date 8/10/01
Residence 216 Triumph Dr Atlanta GA 30327	
Citizenship US	
Post Office Address 216 Triumph Dr Atlanta GA 30327	

Full name of fifth inventor, if any <b>Michael Bishop</b>	
Fifth inventor's signature <i>Michael Bishop</i>	Date 8/14/01
Residence 760 MYRTLE ST ATL, GA 30308	
Citizenship U.S.A	
Post Office Address 760 MYRTLE ST ATL, GA 30308	

Full name of sixth inventor, if any <b>Vernon Meadows</b>	
Sixth inventor's signature <i>Vernon Meadows</i>	Date 8/13/01
Residence 4745 BRIDGEWATER Drive, Lilburn, GA 30047	
Citizenship US	
Post Office Address 4745 BRIDGEWATER Drive, Lilburn, GA 30047	

Full name of seventh inventor, if any <b>Steven Overcash</b>	Seventh inventor's signature <i>Steven Overcash</i>	Date <i>8/13/61</i>
Residence 1565 Ridge Forest Lane, Grayson, GA 30017		
Citizenship US		
Post Office Address 1565 Ridge Forest Lane, Grayson, GA 30017		

Full name of eighth inventor, if any	
Eighth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of ninth inventor, if any	
Ninth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of tenth inventor, if any	
Tenth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**  
**(Large Entity)**

Docket No.  
BS00-086

In Re Application Of: Scott M. FRANK

Serial No.  
09/750,154

Filing Date  
December 29, 2000

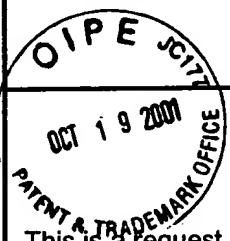
Examiner  
not yet assigned

Group Art Unit  
2161

Invention:

**SYSTEM AND METHOD FOR DETERMINING THE MARKETABILITY OF INTELLECTUAL PROPERTY**

RECEIVED



NOV 29 2001  
Group 2100

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of February 20, 2001 above-identified application.

Date

The requested extension is as follows (check time period desired):

One month     Two months     Three months     Four months     Five months

from: April 20, 2001

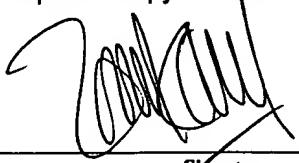
Date

until: August 20, 2001

Date

The fee for the extension of time is \$1,390 and is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1390
- A duplicate copy of this sheet is enclosed.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-1390
- A duplicate copy of this sheet is enclosed.

  
Signature  
Poh C. Chua  
Reg. #44,615

Dated: August 17, 2001

James M. Ross  
Reg. No. 42,115  
SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102-4859

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Signature of Person Mailing Correspondence*

*Typed or Printed Name of Person Mailing Correspondence*

CC: